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August 5, 2022

Via: ECF

Hon. Kevin McNulty, U.S.D.J.

United States District Court, District of New Jersey

2 Federal Square

Newark, NJ 07102

\*\*\* ORDER \*\*\*

Re: Al Ummah Community Center et al. v. Teaneck et al.

Civ. No.: 20-cv-14181 (KM)(ESK)

Dear Judge McNulty,

I hope this correspondence finds you well. I represent the Plaintiffs and write to object to the Individual Defendants' ("Defendants") Reply submissions, Docket Numbers 113 and 117. By way of background, the Court issued a briefing schedule regarding the pending Motions to Dismiss. Dkt. No. 100. Defendants' Reply were due on July 25, 2022. On that date, Defendants filed a purported Reply, and improperly attached a significant amount of documentation in Reply. Further fatal to their submission, the Defendant did not submit a Certification with their improper exhibits. To further complicate their errors, several days after their reply was due, Defendants submitted yet further improper materials in their Reply. These submissions contained affidavits from the individual members that ostensibly seek to contest the sworn deposition testimony of another co-defendant. The impropriety of such affidavits in a motion to dismiss is plain on its face.

The Defendants' submissions must be struck and their motion denied. As an initial matter, the Reply cannot be used to make new argument and submit additional documents. Plaintiffs are significantly prejudiced as they do not have the ability to meaningfully respond to materials submitted with the Reply. Second, the Defendants do not attach a certification regarding any of the documents, and thus they stand before the Court without the required certification. As such, the Court cannot consider them. Lastly, the documents submitted by the Defendants are wholly improper within the context of a Motion to Dismiss. Defendants have done nothing more than create issues of fact that not only require their Motion to be denied, but also any motion for summary judgment be denied or precluded as well. Given all of the submissions, documents, and materials submitted, the Motions to Dismiss must be denied.

In light of the foregoing, the Plaintiffs respectfully request that the Court disregard and/or strike the individual Defendants' Reply, and/or deny their motion to dismiss.

The Plaintiffs thank the Court for its attention to this matter.

**The court will consider this motion to strike in  
the context of the motion to dismiss.**

**SO ORDERED.**

s/ Kevin McNulty  
**Hon. Kevin McNulty**  
**U.S. District Judge**  
**Date: 8/8/2022**

Respectfully submitted,  
s/Aymen A. Aboushi  
Aymen A. Aboushi, Esq.